

## ORDINANCE NO. 2012-06

### **AN ORDINANCE OF THE CITY OF SEDONA, ARIZONA, AMENDING THE CITY CODE SECTION 13.15.060 (WASTEWATER) TO CLARIFY CAPACITY FEES CHARGED FOR ACCESSORY DWELLING UNITS; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR REPEAL OF ANY ORDINANCE OR PARTS OF ORDINANCES OR CODE PROVISIONS IN CONFLICT HEREWITH.**

WHEREAS, with the previous adoption of wastewater rates, it was intended to assess accessory dwelling units (ADU's) a separate capacity fee equal to that fee that would be charged for one-half of an equivalent residential unit (ERU) as evidenced by the provisions of Sedona Land Development Code §918.08, and

WHEREAS, the current City Code provisions related to assessment of wastewater fees and charges are inconsistent with the ADU fee provisions of the Sedona Land Development Code §918.08 and therefore changes are necessary to clarify the capacity fee amount being assessed to ADU's.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEDONA, ARIZONA AS FOLLOWS:

#### Section 1. Amendment to Section 13.15.060(B)(2)

Section 13.15.060(B)(2) of the Sedona City Code is hereby amended to read as follows:*(deletions shown as strike-outs and additions shown in capital letters.)*

2. ~~Guest houses and a~~Accessory dwelling units (ADUs) shall be considered one-half an ERU.

#### Section 1. Amendment to Section 13.15.060(B)(3)

Section 13.15.060(B)(3) of the Sedona City Code is hereby amended to read as follows:*(deletions shown as strike-outs and additions shown in capital letters.)*

3. Residential accessory dwelling units shall ~~not~~ be charged a separate capacity fee EQUAL TO THE CAPACITY FEE ASSESSABLE FOR ONE-HALF OF AN ERU AS REQUIRED BY SECTION 918.08 OF THE SEDONA LAND DEVELOPMENT CODE. Nonresidential accessory buildings connected to the sewer shall be subject to ERU determination based on the method provided in subsection (B)(4) of this section. Residential accessory dwelling units shall be defined as per the definition of "guest house" contained in the Sedona Land Development Code. Nonresidential accessory buildings shall be defined as per the definition of "accessory building" in the Sedona Land Development Code.

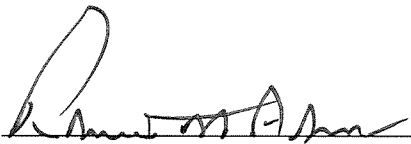
## Section 2. Savings Clause

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

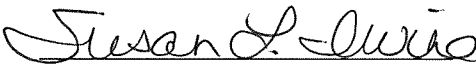
## Section 3. Repeal

All other code provisions, ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict as of the effective date hereof.

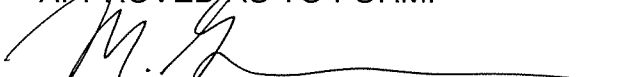
PASSED AND ADOPTED by the Mayor and City Council of the City of Sedona, Arizona, this 13<sup>th</sup> day of June, 2012.

  
Robert M. Adams, Mayor

ATTEST:

  
Susan L. Irvine, City Clerk

APPROVED AS TO FORM:

  
City Attorney